

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STEPHEN NICOLAS LYNCH,

Appellant,

vs.

KENNETH K. KLEIN, et al.,

Appellees.

Case No.15-CV-364-JED-FHM

Adv. Case No. 14-AP-1059

OPINION AND ORDER

The motions of various Appellees for Dismissal of Appeal for Abandonment of Claims, [Dkt. 58, 61,63, 65], motions to expedite consideration of the motions to dismiss, [Dkt. 67, 68, 69, 70], a Combined Joint Motion for Stay, [Dkt. 60], and request to shorten response time, [Dkt. 66], are before the undersigned United States Magistrate Judge.

Appellees seek to stay the date set for filing their responses to Appellant's Appeal brief while the court considers their motions to dismiss. Appellees also seek an order expediting Appellant's responses to their motions. Appellees assert that Appellant's Brief, filed December 25, 2015, [Dkt. 54], addresses only some of the claims asserted on appeal and failed to address any claims against some of the Appellees. Appellees argue that as a result, for purposes of appellate review of the Bankruptcy Court decision, claims not briefed should result in dismissal from this appeal of those claims and the Appellees to which the unbriefed claims refer.

The court finds it would be more efficient and would promote finality for all parties to deal with the issues in the course of the usual appeal briefing cycle.¹

¹It may be appropriate to argue that issues have been waived on appeal by the failure of an appellant to address the issues in an appellate response brief. See *Wyoming v. Livingston*, 433 F.3d 1211, 1216 (10th Cir. 2006) (issues not raised in opening appellate brief are waived).

The necessity of extending the date for Appellees' response briefs is not apparent, since the arguments they have asserted in the instant motions and briefs can be reformatted and submitted in response to Appellant's opening brief.² However, Appellees are granted until February 16, 2016, to file their response briefs.

The motions contained in docket numbers 58, 60, 61, 63, 65, 66, 67, 68, 69, and 70 are DENIED. Appellees' briefs are due on or before February, 16, 2016. Appellant's reply brief is due on or before March 8, 2016.

SO ORDERED this 19th day of January, 2016.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE

² The court notes that Appellant's Brief was docketed: "First Appellant's Brief." [Dkt. 54]. The appeal process does not countenance the filing of multiple briefs, or supplements. Leave of court must be sought and good cause shown for submission of additional briefing.